



PIMA COUNTY ATTORNEY'S OFFICE DEFERRED PROSECUTION ANNUAL REPORT FISCAL YEAR 2017/2018

ADULT DIVERSION PROGRAM ORGANIZATION

The program is comprised of eight separate diversion entities:

- Felony Diversion Program
- Domestic Violence Diversion Program
- Re-offender Diversion Program
- Misdemeanor Diversion Program
- Alcohol Abuse Diversion Program
- Marijuana and Paraphernalia Diversion Program
- University of Arizona Student Diversion Program
- Tobacco Retailer Diversion Program

All diversion programs are post-arraignment and pre-adjudication. Prosecution is suspended for up to two (2) years. A Diversion Specialist reviews the cases and determines if all of the diversion terms have been met. If the defendant completes the diversion terms, the prosecutor will file dismissal paperwork, and the case will be successfully closed. At any point, the diversion case can be terminated for failure to comply and criminal prosecution is resumed.

Felony Diversion Program

This program is designed to handle first-time diversion eligible defendants charged with a felony offense. The defendant will be supervised by an Adult Diversion Specialist (Specialist) for a maximum of twenty (20) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The Specialist will direct the defendant to attend counseling program(s), pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours. Periodic and random substance testing is required of the defendant.

Domestic Violence Diversion Program

This program is designed to handle first-time diversion eligible defendants cited for a domestic violence misdemeanor offense. The defendant will be supervised by a Specialist from six (6) to twelve (12) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The defendant will attend programs such as domestic violence counseling and parenting classes as well as pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours. Periodic and random substance testing is required of the defendant.

Re-offender Diversion Program

This program is designed to handle diversion eligible defendants cited for a second misdemeanor offense. The defendant will be supervised by a Specialist from three (3) to six (6) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The Specialist will direct the defendant to attend counseling program(s), pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours. Periodic and random substance testing is required of the defendant.

Misdemeanor Diversion Program

This program is designed to handle first-time diversion eligible defendants cited for a misdemeanor offense. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts, program(s) to attend, restitution amount if applicable, and deadlines.

Alcohol Diversion Program (formerly Substance Abuse Diversion Program)

This program was previously entitled Substance Abuse Diversion Program. The title was changed with the removal of marijuana and paraphernalia from this category. This program is designed to handle first-time diversion eligible defendants cited for misdemeanor alcohol offenses. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts, program(s) to attend, restitution amount if applicable, and deadlines.

Marijuana and Paraphernalia Diversion Program

This program started May 2017. Prior to May, the two charges were previously included in the Substance Abuse Diversion Program. This program is designed to handle first-time diversion eligible defendants cited for misdemeanor possession charges involving possession of marijuana or possession of drug paraphernalia for personal use. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts and referred to Community Bridges, Inc. (CBI is a community service provider specializing in behavioral health and substance use treatment.) CBI will screen the defendant for a substance use disorder and determine the appropriate drug intervention plan, which may include attending a class or treatment (Typically treatment is determined to be appropriate for paraphernalia involving narcotic or dangerous drugs.) CBI will monitor the participant's progress and report back to the diversion office.

University of Arizona Student Diversion Program

This program works closely with the University of Arizona Dean of Students Office. It is designed to handle University of Arizona students who are first-time offenders and are cited by the university police department for certain misdemeanor offenses. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts and referred to the Dean of Students Office. The Dean of Students Office will determine the appropriate intervention plan, monitor the student's progress, and report back to the diversion office.

Tobacco Retailer Diversion Program

This program works closely with the Pima County Health Department's Tobacco and Chronic Disease Prevention program. It is designed to handle first-time offenders that are cited for selling tobacco to minors. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts, instructions to attend an Arizona Retailer Tobacco Training, and deadlines.

Program Supervision

Currently, two (2) Specialists supervise the above described diversion programs. One (1) paralegal and two (2) legal processing support staff members assist the two Specialists. A Staff Lead oversees the everyday operations of the specialists, paralegal, and legal processing support staff members, and the diversion program.

FY 2017/2018 Adult Diversion Program Statistics

Year totals all programs combined:

Total number of cases processed:	1,201
Total number of new referrals:	955
Total number of successful terminations:	794
Total number of unsuccessful terminations:	129
Total number of cases closed:	923
Total number of pending cases:	246
Success Rate:	86%

Year totals for each program:

	Total Closed	Successful	Unsuccessful	Success Rate
Felony Diversion Program:	13	12	1	92%
Domestic Violence Diversion Program:	113	85	28	75%
Re-offender Diversion Program:	109	75	34	69%
Misdemeanor Diversion Program:	161	151	10	94%
Alcohol Diversion Program:*	161	145	16	90%
Marijuana and Paraphernalia Program:	232	198	34	85%
University of Arizona Student Diversion Program:	132	126	6	95%
Tobacco Retailer Diversion Program:	2	2	0	100%

*formerly Substance Abuse Diversion Program

Two Felony Drug Diversion Pilot Operations

The first pilot operation accepted defendants into Felony Drug Diversion at the jail prior to their initial appearance hearings. During one week, June 26-30, 2017, the pilot operation accepted five (5) eligible defendants arrested for first-time felony drug possession charges involving possession of dangerous drugs or narcotic drugs for personal use. The defendants were interviewed at the jail, prior to their initial appearance hearings, and if identified as eligible the diversion offer was given. If accepted, the defendant and their defense attorney met with the Diversion Program Director to discuss diversion requirements and complete paperwork. After acceptance into diversion, the defendant's charges were dismissed with prejudice, and the defendant met with a clinical assessor from Community Bridges, Inc. (CBI is a community service provider specializing in behavioral health and substance use treatment.) The clinical assessor screened the defendant for a substance use disorder and determined the appropriate intervention plan/treatment according to their screening results. CBI monitored their progress and provided weekly reports to the Diversion Program Director. The Director reviewed the cases. If the defendant completed their treatment and all of their diversion terms were met, then the charges would not be refiled. The case would be terminated from diversion if there was a failure to comply, and the criminal charge(s) would be refiled. All five of the defendants failed to complete the diversion terms during this fiscal year and their charges were refiled. This diversion pilot was terminated.

FY 2017/2018 FIRST Felony Drug Diversion Pilot Statistics

Total number of cases processed:	5
Total number of new referrals:	0
Total number of successful terminations:	0
Total number of unsuccessful terminations:	5
Total number of cases closed:	5
Total number of pending cases:	0
Success Rate:	0%

After intensive discussions and planning meetings a second pilot was developed. The second pilot accepts defendants into Felony Drug Diversion after the felony arraignment and before the first Case Management Conference. The second pilot operation began with individuals arrested on September 11. Under this pilot operation, the defendant's eligibility is determined at the time of felony charging and the diversion offer is presented at the arraignment. The defendant enrolls in diversion prior to the first Case Management Conference. The defendant and their defense attorney meet with the Diversion Program Director to discuss the diversion requirements and complete paperwork. After acceptance into diversion, prosecution is suspended for up to 24 months and the defendant is referred to Community Bridges, Inc. (CBI). CBI screens the defendant for a substance use disorder and determines the appropriate intervention plan/treatment according to their screening results. CBI monitors the defendant's treatment compliance and provides a weekly report to the Diversion office. The Diversion Program Director and the Diversion Specialists review the cases. After the initial 35 days of treatment, the defendant meets with the Specialist once every two weeks. The meetings with the Specialist are in-person or telephonic. After completing the drug intervention plan to the satisfaction of CBI, the defendant has a final random drug screening. The screening results needs to be clean of all substances to continue in diversion. If the defendant completes the diversion terms, the prosecutor will file dismissal paperwork, and the case will be successfully closed. At any point, diversion can be terminated for failure to comply and criminal prosecution is resumed. The first participant entered the Felony Drug Diversion Program on November 7, 2017. The initial success rates were encouraging, and the pilot continued through the reporting period.

FY 2017/2018 SECOND Felony Drug Diversion Pilot Statistics

Total number of cases processed:	116
Total number of new referrals:	116
Total number of successful terminations:	19
Total number of unsuccessful terminations:	27
Total number of cases closed:	46
Total number of pending cases:	70
Success Rate:	41%